

Running head: Workplace Equality for Gay and Lesbian Employees

Equality: Adapting the Workplace for Gay and Lesbian Employees

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Certification Statement

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

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Abstract

The Kansas City, Kansas Fire Department fosters an environment of inequality towards gay and lesbian employees. The purpose was to develop a plan by which the department can provide workplace equality for gay and lesbian employees. This action research project addressed these issues: what elements of inequality towards gay and lesbian employees existed; how has private industry addressed the need for workplace equality for gay and lesbian employees; and what action have other departments taken to provide workplace equality for gay and lesbian employees. Research and a questionnaire were done as part of this project. The research resulted in a plan to provide workplace equality for gay and lesbian employees of the department.

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## Equality: Adapting the Workplace for Gay and Lesbian Employees

### Introduction

The Kansas City, Kansas Fire Department (KCKFD) has employed gay and lesbian employees for decades. The problem is that the KCKFD fosters an environment of inequality towards gay and lesbian employees. The purpose of this research project is to develop a plan by which the Kansas City, Kansas Fire Department can provide workplace equality for gay and lesbian employees. In preparation for developing this plan, this action research project will examine the following questions: (a) what elements of inequality towards gay and lesbian employees exist within the KCKFD; (b) how has private industry addressed the need for workplace equality for gay and lesbian employees; and (c) what actions have other departments taken to provide workplace equality for gay and lesbian employees?

### Background and Significance

Ten fire chiefs decide to work together to buy new staff vehicles. They approach the dealer with their group purchase. The dealer offers them a great deal on the price of each vehicle. The offer includes a full warranty on any parts manufactured by the company and an eighty-five percent warranty on parts made by other manufacturers. The chiefs can pay a nominal amount annually to cover the remaining fifteen percent to achieve a full warranty on the complete vehicle for as long as they own it. The only catch according to the dealer is that the offer only applies to nine of the ten vehicles. The tenth vehicle only comes with the full warranty on any parts manufactured by the company. The chief with this vehicle will have to pay several hundred dollars monthly to cover the rest of the vehicle. The vehicles are all assembled in the same plant and there is

no difference in their features or performance. The tenth vehicle is picked at random after delivery to the dealer. When asked, the dealer states that the reason they do not cover every vehicle the same is because that would be too expensive. It just would not be right for the dealer to have to cover each one the same.

The KCKFD is a career fire department with 459 employees, the majority certified as emergency medical technicians or paramedics. The department's primary service area resides within Wyandotte County, Kansas. (Robert A. Rocha, personal communication, October 22, 2007) According to the website of the Unified Government of Wyandotte County/Kansas City, Kansas (UG), the county covers 155.7 square miles and is home to 158,331 residents. The Kansas State Library's website identifies Wyandotte County as the smallest in Kansas, but the one with the highest population density. The 2000 census identified 59,700 households in Wyandotte County. Of these, 3,376 listed an unmarried partner as an occupant of the household. This may be either an opposite-sex or same-sex partner. The households with an unmarried partner make up 5.65% of all households in the county. (United States Census Bureau, 2000)

The department provides fire prevention, first response, fire suppression, ambulance, and rescue services for the City of Kansas City, Kansas and provides ambulance service to the City of Edwardsville, Kansas. In addition, the department provides mutual aid fire suppression and ambulance service to surrounding communities. To provide this level of service, the department staffs twenty-two suppression companies and twelve ambulances, a fire prevention division, a training division, and a support services division, including communications, maintenance, supply, and recruitment. (Robert A. Rocha, personal communication, October 22, 2007)

The UG was formed in 1997 when the Wyandotte County government and the Kansas City, Kansas government structures were combined. The KCKFD, through the UG, offers salaries and benefits to compensate employees for their service to the government. The sworn employees of the KCKFD are covered by a Memorandum of Understanding with the International Association of Fire Fighters (IAFF) Local 64. (Local #64, 2004) The UG also has a Human Resources guide, which outlines personnel policies and procedures not specifically covered in Memorandums of Understanding (Unified Government, 2005)

On a national level, public and private entities are recognizing that gay, lesbian, bisexual, and transgender (GLBT) employees should be compensated equally to their heterosexual counterparts. In addition, equal employment opportunities must be afforded to GLBT employees. Finally, these employees must be assured that the workplace will be free from harassment. (Human Rights Campaign [HRC], 2007a) As fire departments nationwide and the KCKFD in particular attempt to recruit new employees from a younger, more accepting generation, they will need to compete with this environment of equality to hire quality, loyal, productive employees.

Fire service author Ronny J. Coleman noted in 1993 that the irrational dislike for another person based on their possession of one attribute different from our own is bigotry. Bigotry rejects the other person's viewpoint. It amounts to a blind passion that ignores reality. The bigot only deals with a single dimension. He concludes that it is up to the leaders in the fire service to never allow people to be treated unfairly. It is up to those leaders to address issues of bigotry and bias rather than ignoring them.

The United States Fire Administration (USFA) has identified as an operational objective to respond appropriately in a timely manner to emerging issues (National Fire Academy, 2003). Equality in the workplace specifically related to GLBT employees has been an emerging issue in the private sector for a number of years. The National Fire Academy itself includes a statement concerning diversity, discrimination, and harassment in its human dignity policy. (National Fire Academy, n.d.) The younger, more mobile workforce will demand equal treatment of all employees as a condition of employment. It is anticipated that the recommendations that result from this research will better prepare the department to treat GLBT employees equally.

GLBT equality in the workplace is a task that executive leaders in both the public and private sector must address. In preparing the fire executive to respond to this issue, this research project is also related to the goal of the National Fire Academy's (NFA) Executive Leadership course (Department of Homeland Security, 2005).

### Literature Review

A review of current (less than five years old) public safety literature revealed no articles related to GLBT issues in the fire service. The most recent articles in major fire service publications on equality issues in the United States date from 1993 and 1994. Articles on sexual harassment have been published more recently, however are not specific to GLBT workplace equality issues. Owing to this lack of fire-service specific information, this literature review will define the issue of GLBT equality, identify the elements of equality, present the business case for providing equality in the workplace, review the cost of providing equality, and provide a brief review of entities that have



committed to workplace equality. The literature review will conclude with arguments against providing workplace equality for GLBT employees.

#### Definition of the Issue

A discussion of workplace equality begins with identification of what is to be included in the discussion. The basis for workplace equality is inclusion of sexual orientation and gender identity or expression in equal employment opportunity and harassment policies. (HRC, 2007a) Two hundred eighty-two city and county governments prohibit discrimination based on sexual orientation and ninety-two prohibit discrimination based on gender identity. (HRC, 2007b)

There are no federal laws that prohibit GLBT discrimination. This leaves employees in the position of being demoted or discharged on the basis of their sexual orientation or gender identity. (Center for Policy Alternatives, n.d.) According to the HRC in their Small Business Basics publication in 2007, it was legal in thirty-three states to fire someone based their sexual orientation and it was legal to fire someone for being transgender in forty-two states. In spite of that freedom, the publication reports that ninety-eight percent of the top 100 companies prohibit discrimination on the basis of sexual orientation and forty-eight percent prohibit discrimination on the basis of gender identity. Eighty percent of those companies offered domestic partner benefits. These companies have taken steps beyond the basic legal requirements to show that they value the contributions made to their success by their GLBT employees.

Author John Becknell writes that the top priorities for gay and lesbian employees are being professional and fulfilling responsibilities. They just want to be accepted as people and to be judged on the merits of their performance. Their efforts should not be

discounted based on the moral biases of their coworkers. He goes on to note that this land of all people being created equal, the country has not upheld that principle. The holding of slaves, keeping women from voting, placing various religious and ethnic groups in prison, driving native people off their land and using undue scrutiny on people to determine their acceptability for military service are all examples of the inability to embrace the diverse makeup of this nation. Valuing people as people and not on the basis of a personal morality opens up the possibility of growth and understanding. It is vital that every person be acknowledged as unique and endowed with special perspectives and views.

#### Elements of Equality

Common benefits provided to GLBT employees include medical, dental and vision insurance, disability and life insurance, pension benefits, family and bereavement leave, adoption assistance, education and tuition assistance, credit union membership, relocation and travel expenses, and inclusion of partners in company events. Other elements may include retiree healthcare benefits and employee discounts. (HRC, 2007a) One hundred forty-five local jurisdictions provide partner health benefits to their employees. (HRC, 2007b) A corporate plan reviewed includes health care, dental care, dependent life insurance, dependent accidental death insurance, long-term care insurance, pre-retirement survivor income benefit, adoption assistance, wage dividends paid to the domestic partner upon the death of the employee, funeral allowance, family and medical leave, partner relocation assistance, inclusion in the Employee Assistance Plan, emergency/backup dependent care, beneficiary for death benefits, and pension joint and survivor beneficiary benefits. (Kodak, n.d.)

Due to a lack of federal recognition for GLBT relationships, each employer offering benefits to the partner or dependent children of the partner must determine inclusion criteria as part of their plan. Alternatively called partner, spousal equivalent, or domestic partner, common elements in the definition include the partners be 18 years of age or over, be unmarried, not be related to each other, have an intimate, committed relationship of mutual caring of at least six months duration, live together, not currently have a different domestic partner or spouse, and agree to mutual fiscal and legal responsibility for each other. Employers can choose to apply these requirements both heterosexual and GLBT relationships, or only to GLBT relationships. (HRC, 2007c)

#### Business Case

Employers evaluating the need for GLBT workplace equality may look to the business case for change. Factors to be considered include offering fairer compensation packages for GLBT employees, acknowledgement that GLBT employees face the same work-family life concerns as married employees, and the need to attract and retain productive workers in a tight labor market. (Badgett, 2000) Fairness is cited by many employers. Offering benefits to married employees and not making those available to domestic partners discriminates on the basis of sexual orientation or marital status. Additionally, prospective employees are attracted to comprehensive benefits packages. Employers offer inclusive benefits to maintain a recruitment edge with the diverse contemporary workforce. (Employee Benefit Research Institute, 2004) Benefits to the employer include: having a wider talent pool to select from; reducing recruitment spending; realizing savings from increasing retention; enjoying performance improvements from employees relating to reduced sickness absences; provide a wider

variety of views within the organization; being able to focus on the employer's core values; and being instrumental in supporting organizational change. (McCollin, 2006)  
All of these elements help create a culture of respect.

Author Linda Willing recognized in 1993 that two of the greatest challenges for fire service leaders in the future will be maintaining adequate funding to provide quality service and recruiting qualified people to provide the service. She noted that when an employer willingly discriminates against a group of people or condones the practice by others, that they create a climate of fear. The result of this discrimination is causing loyal employees to fear for their jobs and excellent candidates being eliminated from the hiring process.

In the 2005 Workplace Fairness Survey conducted by Lambda Legal and Deloitte Financial Advisory Services LLP, sixty-three percent of the respondents reported workplace policies and practices that promote workplace equality and fairness. Fifty-four percent report that the employer's equality and fairness policies and practices are a critical factor in deciding where to work. Finally, thirty-eight percent appreciated such policies and their existence contributed to the employee's happiness.

Employers must evaluate the effects of additional benefits on the cost of doing business. Many employers offer "low-cost" benefits as part of their domestic partner plan. These include family/bereavement/sick leave, relocation benefits, access to employer facilities and attendance at employer functions. (Employee Benefit Research Institute, 2004)

Access to health, dental, and insurance benefits receive more public notice than low-cost benefits. The cost increases associated with providing insurance benefits

involves both the number of new enrollees and the risks associated with these individuals. (Employee Benefit Research Institute, 2004) Many employers anticipated an enrollment rate of ten percent of the eligible employees. A 2000 study revealed that the rate of enrollment averaged 1.2 percent. Experience has also shown that the costs tend to be lower than anticipated. This is attributed to a younger, healthier workforce claiming the benefits, a balance of an increased risk of HIV infections among male couples is offset by a decreased risk among female couples, and the low risk of pregnancy among same-sex couples. (Employee Benefit Research Institute, 2004)

The HRC, in the article *How to Achieve Partner Benefits in Your Workplace*, writes that employers must also account for changes in employment taxes as a result of offering domestic partner benefits. Domestic partners, according to the Internal Revenue Service, cannot be considered a spouse for tax purposes. Employers must withhold and report taxes on the domestic partner benefits. Employees cannot use flexible spending accounts or cafeteria plans to pay those healthcare costs because of the pre-tax nature of the funds. The employee is left to pay taxes on the benefit, something that opposite-sex married couples would not have to do. Employers may choose to “gross up” the employee’s wages to cover this taxation.

#### Commitments to Equality

Research into private companies that provide GLBT benefits yielded numerous high-profile companies with such benefits. American Airlines has taken the steps necessary to include both sexual orientation and gender identity in their statement of equal opportunity and policy on discrimination. (American Airlines, 2002) Capital One also includes sexual orientation and gender identity in their equal employment

opportunity statement. (Capital One, 2002) Costco Wholesale includes both gender identity and expression in their policy on equal opportunity. (Costco, 2006) Kodak outlines the reasons for offering a diverse benefit package in the introduction to their benefits policy. These reasons include creating a workplace that values, respects and provides equal and fair treatment to all employees, promotes equal opportunity and non-discrimination, and attracts and retains talented people. (Kodak, n.d.) Prudential observes that the employee's lifestyle and family situation can differ greatly. Prudential offers the flexibility of who to cover as an eligible dependent because of their desire to make the company a diverse workplace. (Prudential, 2000) Merrill Lynch expanded their benefits package in 1999 to include a qualified adult member of the household. This may even include an extended family member living in the household that meets the definition of dependent under the Internal Revenue Code. (Merrill Lynch, 1999)

In the public sector, examples include state governments, local governments and educational institutions. Kansas Governor Kathleen Sebelius signed Executive Order 07-24 on August 31, 2007. That order outlines the state's goal to recruit, develop, and promote employees on their individual ability and job performance. The Order adds sexual orientation and gender identity to the executive branch's non-discrimination policy. (Kansas Office of the Governor, 2007) The City of Berkeley, California has provided domestic partner benefits to city employees since 1984. (City of Berkeley, 1987) The city and county of Denver, Colorado has provided a domestic partner registry since 1997. (City and County of Denver, 1996) The final example is Northwestern University, which provides opportunity for domestic partners to official declare their

relationship and become eligible for employment benefits through the university.

(Northwestern University, n.d.)

#### Arguments against Equality

Opposition to providing workplace non-discrimination for GLBT employees centers primarily on religious grounds. Ontario Consultants on Religious Tolerance noted in 2007 that the Employment Non-Discrimination Act (ENDA) would interfere with an employer's desire to discriminate on the basis of sexual orientation. This may conflict with a part of an employer's religious faith, which permits such discrimination. It is noted that religious grounds have been used in the past to justify other forms of discrimination. These include: teaching that blacks were inferior and should be segregated based on their race; teaching that women should be excluded from positions of authority on the basis of their gender; and using religious grounds to refuse to hire someone of another religion. The organization also points to arguments that providing workplace protections to GLBT employees amounts to "special rights" for those employees. However, the legislation also protects heterosexual employees from discrimination by a GLBT employer or supervisor. By being applied across the board, ENDA does not grant rights to only gay and lesbian employees. Finally, the argument is advanced that ENDA would require employers to hire and retain people they believe are committing immoral acts simply because they are committing those acts. The argument is that this would violate the employer's freedom of religion, speech and association.

Arguments against providing employment benefits to GLBT employees center on the idea the benefits are similar to marriage rights, which are defined by federal and state laws. (The Associated Press, 2007) Kansas, for example, is considering House Bill

2299, which would prohibit recognition of any domestic partner relationship. The bill is currently being considered by the House. (Kansas House of Representative, 2007)

Religious advocates rely on fear, prejudice, and ignorance in their campaign against GLBT protections, rights and benefits. The underlying view is that GLBT people, including their relationships and their families, should not be treated as something of equal value to heterosexual people, relationships, and families. However, GLBT people have always paid the same taxes, followed the same laws, and made as great a contribution to society. Until now they have not been treated as equals. That disgraceful situation must come to an end. (Brown and Purton, 2007)

#### Summary

There is a lack of recent information on GLBT issues in the fire service. Leadership on the provision of workplace non-discrimination and benefits has taken place in the private sector. The business case for providing equal benefits emphasizes that employers should value all employees, which will benefit the company as a whole. The cost of providing equal benefits is not as high as might be predicted. Research shows a one to two percent change in the cost of benefits when they are extended to GLBT employees. Arguments against providing workplace protections and benefits center on religious arguments and the protection of marriage. This literature review has set the stage for the research necessary to formulate a proposal to provide workplace equality for the KCKFD.

Author Terese Floren, writing in 1993, stated that lesbians and gay men are people you know. They are your children, relatives, neighbors, and friends. They are also your co-workers and employees. Fear of this group of people is called homophobia.



This is a problem for fire service managers the same way racism and sexism are problems. They interfere with the smooth functioning of the department. To overcome this fear, the fire service leader should educate themselves and work to unlearn this level of prejudice. She notes that both fire chiefs and union officials should work to extend health insurance coverage to the partners of gay and lesbian firefighters. Other benefits should be examined for their accessibility to gay and lesbian employees and their partners. Include sexual orientation in the department's non-discrimination policy. She concluded the article with the observation that "being gay or lesbian has no more to do with sexual activity than being heterosexual does." Stopping discrimination against gays and lesbians does not endorse homosexuality; it fights a form of fear and discrimination that is counterproductive in the workplace.

#### Procedures

The KCKFD Memorandum of Understanding, the UG Human Resources Guide, state and federal legislation, and articles on workplace equality for gay and lesbian employees were reviewed as part of the literature review. These resources are itemized in the Reference Section. The questionnaire in Appendix A was posted on the International Association of Fire Chief's website, as well as distributed to members of the National Society of Executive Fire Officers through their website. It was also sent directly to Executive Fire Officer class members of the author. The purpose of the questionnaire was to gain insight into the scope of the problem and solutions utilized in other jurisdictions. A summary of the results is included in Appendix B. No follow-up was done on questionnaires that were not returned. In total, fifty-three questionnaires were started and forty-five (eighty-five percent) were completed. No overall rate of

return was calculated due to the anonymous nature of posting the questionnaire to the websites.

The outcome of this project was a plan to provide workplace equality for gay and lesbian employees of the Kansas City, Kansas Fire Department. This is included in Appendix C.

The major limitation of this project is that the KCKFD is dependent upon direction from the UG governing body. Innate and deeply held bias against gay and lesbian employees may prevent a rational discussion of the pros and cons of implementing the plan. Some will choose to oppose the provision of equality on religious grounds. Some will choose to equate this to the debate concerning marriage rights. The governing body must overcome these detours and take steps to show that the contributions of all employees are valued and appreciated.

### *Definitions*

The following terms relate to the discussion of workplace equality for GLBT employees.

COBRA—Consolidated Omnibus Budget Reconciliation Act of 1986.

FMLA—Family and Medical Leave Act.

Gender identity or expression—an individual's gender-related identity, appearance, expression, or behavior, regardless of that individual's biological sex at birth.

Sexual orientation—an individual's actual or perceived heterosexuality, bisexuality, or homosexuality.

UG—Unified Government of Wyandotte County/Kansas City, Kansas

## Results

Action research methods were utilized, including a review of government documents, published resources, and results from a questionnaire. A wealth and variety of information was used to answer the following questions.

Research Question 1: What elements of inequality towards gay and lesbian employees exist within the KCKFD?

The Memorandum of Understanding between the UG and IAFF Local 64 includes Article 3—Non-Discrimination. This article outlines classes or groups that are protected from discrimination because of the individual's membership in such a class or group. These classes or groups include race, color, creed, religion, national origin, sex, age, or disability. The article does not prohibit discrimination based on marital status, sexual orientation, or gender identity or expression. The article also includes the statement that the Union will represent all employees in the bargaining unit fairly.

Article 8—Leaves of Absence includes a subsection on Death in the Family Leave. This leave applies to employees with a death in their immediate family. "Immediate Family" is defined as spouse, children, parents, step-parents, brother, sister, grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law, daughter-in-law, parents of spouse, grandparents of spouse, or a relative living in the employee's home. The subsection does not allow an employee time off for the death of a partner or the partner's children or relatives.

Article 8 also includes provisions for the use of sick leave for family illness. This subsection does not define family. The employee may also be entitled to leave under the Family Medical Leave policy as set forth by the UG.

The UG Human Resources Guide Section 2 includes the UG Equal Employment Opportunity statement. It specifically lists race, color, national origin or ancestry, religion or creed, sex, pregnancy, age or disability as protected classes or groups. This policy makes no mention of marital status, sexual orientation or gender identity or expression. Section 2 also includes the Harassment policy. The policy that harassment will not be tolerated includes the statement that this policy applies equally to harassment of and by gay and lesbian employees.

Section 4 outlines the Health Care Benefits available to UG employees. The UG provides group health coverage to full time employees. Family coverage is available for qualifying dependents, listed as spouse, including common law spouse, and dependent children, including natural, step, foster, adoption, or any other child that lives with the employee in a parent-child relationship and who receives the majority of their financial support from the employee. COBRA benefits are available to the employee and their spouse and children. The surviving dependents of active employees receive two years of health care coverage provided they were covered as dependents under the employee's policy.

Section 4 also outlines the Employee Assistance Program. This program is available to all employees and their dependent family members. The Cafeteria Plan which allows employees to use pre-tax earnings to pay qualifying expenses complies with the Internal Revenue Code.

The UG policy on sick leave allows the use of sick leave for medical and dental appointments for members of the employee's household. It allows for the use of sick leave due to the serious illness or physical incapacity of a member of the employee's

household. Sick leave may be used for the placement of a child for adoption or foster care. It may also be added to funeral leave for the death of an immediate family member at the department head's discretion.

The Bereavement Leave policy includes the definition of "immediate family." The members of the immediate family include those from the Memorandum of Understanding, as well as step-child, daughter-in-law, son-in-law, great grandchild, great grandparent, and great grandparent of the spouse.

The UG Family and Medical Leave policy states that the employee is entitled to use leave for, among other things, the placement of a child for adoption or foster care and to care for a spouse, son, daughter, or parent who has a serious health condition. Spouse in this policy is defined as a husband or wife, including common law marriage. Son or daughter is defined as biological, adopted, or foster child, step-child, legal ward, or a person whom the employee treats as the employee's child.

Not covered in the UG Human Resources Guide, but a benefit offered by the UG is a life and accidental death and dismemberment policy. The employee is eligible to purchase additional coverage for their dependents.

Sworn members of the fire department participate in the Kansas Police and Fire retirement program. As part of that program, members select a beneficiary to receive benefits in the event of a member's death. The KP&F guidelines for choose a beneficiary include a living person, a trust, your estate, or any combination of these options. No further clarification of "living person" is found. A reference to spouse is contained in the benefits available to the spouse upon the death of a member prior to retirement. The

spouse can choose a monthly benefit for the rest of their life instead of receiving the member's contributions and interest.

Research Question 2: How has private industry addressed the need for workplace equality for gay and lesbian employees?

HRC has rated Fortune 1000 employers on their workplace equality for the past six years. They assign numerical values to various aspects of the corporation's policies and benefits. In 2007, 195 of 519 corporations rated achieved a perfect score of 100, up from 138 in the previous year. This annual survey may be the most comprehensive at rating workplace equality in private industry. The areas rated in the Corporate Equality Index are outlined below.

The first area rated covers sexual orientation. Companies get credit for including sexual orientation in their equal employment opportunity policy. They also receive points for including sexual orientation in their diversity training.

The second area rated covers gender identity. Companies get credit for including gender identity and/or expression in their equal employment opportunity policy. They receive credit if their diversity training includes gender identity or expression. They also receive credit if their insurance covers individuals in transition.

The third area rated covers domestic partner benefits. Companies should offer domestic partner health insurance. They should also offer partner COBRA, dental vision, and legal dependent coverage. They should also offer some combination of the following benefits: Family Medical Leave Act-like leave; bereavement leave; employer-provided supplemental life insurance for a partner; relocation/travel assistance; adoption assistance; qualified joint and survivor annuity for domestic partners; qualified pre-

retirement survivor annuity for domestic partners; retiree healthcare benefits; or inclusive employee discounts.

The fourth area rated covers a GLBT employee resource group or diversity council. Companies get credit if they say they would support such a group if the employees expressed an interest.

The fifth area covers advertising and community events. Companies get credit if their advertising is appropriate and respectful. In addition, they may receive credit for sponsoring GLBT community events or organizations.

Finally, companies get credit if they exhibit responsible behavior toward the GLBT community. This includes not engaging in actions that would undermine GLBT equality.

Research Question 3: What actions have other departments taken to provide workplace equality for gay and lesbian employees?

A questionnaire was developed based on the HRC Corporate Equality Index. This questionnaire was posted to the National Society of Executive Fire Officers website, as well as posted to the discussion groups on the International Association of Fire Chief's website. In addition, a link to the questionnaire was emailed to Executive Fire Officer classmates of the author. A total of fifty-three surveys were started and forty-five were completed. Departments ranged in size from 8 to 10,000 employees. Departments represented twenty-one different states. A summary of the results are outlined below.

The first section covered equal employment opportunity. Twenty-seven respondents (50.9%) indicated that their department includes "sexual orientation" in its primary non-discrimination or Equal Employment Opportunity policy. Twenty-one

respondents (39.6%) indicated that sexual orientation was not included. Only six respondents (11.3%) indicated that “gender identity” or “gender identity or expression” were included in the non-discrimination or Equal Employment Opportunity policy. Forty respondents (75.5%) said it was not included and seven respondents (13.2%) did not know.

The second section covered domestic partners. Six respondents (12.5%) said that the department offered health insurance to same-sex domestic partners. Thirty-three respondents (68.8%) said their departments did not offer this benefit. Two respondents did not require any documentation for the purposes of providing benefits to the employee’s partner, two accepted a domestic partner affidavit, three accepted a local or state domestic partner registration, seven accepted a state-issued civil union or marriage certificate, and two accepted a marriage certificate issued in another country. None of the respondents indicated that their employer “grossed up” the wages of employees to reduce the tax burden from the imputed value of the benefit, as it appears as income to the employee. Six respondents (12.8%) specifically said no, they did not gross up wages.

The third section asked which health benefits were offered to the same sex partners of employees. Only nine of forty-five respondents answered this question. Six reported that medical/health benefits, dental coverage and vision coverage were offered. Six reported that the spouse/partner’s dependent medical coverage was offered and four reported that COBRA or COBRA-like benefits continuation was offered.

The fourth section covered other benefits that might be offered to partners. Fourteen respondents total answered this question. Only seven indicated that their department offered FMLA/FMLA-like benefits and bereavement leave. Four offered



employer-provided supplemental life insurance for the spouse/partner. None offered relocation/travel assistance, one offered adoption assistance, five offered qualified joint and survivor annuity for spouse/partner (for defined benefit plans), six offered qualified pre-retirement survivor annuity for spouse/partner (for defined benefit plans) and three offered retiree health care benefits. Eleven respondents indicated that the employee assistance program was open to same-sex partners of employees.

The fifth section asked about gender transition guidelines. One of the twelve respondents indicated that their department had written gender transition guidelines documenting supportive department policy on issues pertinent to a workplace gender transition. Fourteen respondents indicated that their insurance plan covered counseling by a mental health professional, eleven covered short-term leave for surgical procedures, six provided pharmacy benefits (hormone therapy) and medical visits to monitor the effects of the hormone therapy and associated lab procedures, and five respondents covered medically-necessary surgical procedures associated with a gender transition.

The sixth section covered diversity management and training. Forty-one respondents (87.2%) indicated that their department does not have an officially recognized GLBT employee affinity group. Six respondents did not know. As a follow-up, respondents were asked to indicate if their department would support the formation of a group if the employees requested it. Seven respondents (14.9%) said their department would support the formation of a GLBT group. Seven respondents (14.9%) said their department would not support such a group. Thirty-three respondents (70.2%) did not know what support their department would provide. In a follow-up question, the questionnaire asked if the department had a diversity council or group with a mission that

specifically included GLBT diversity. Two respondents (4.3%) indicated their department did have such a group. Thirty-eight respondents (80.9%) reported their department did not have such a group with that mission. Seven respondents (14.9%) did not know.

The final section asked about diversity awareness. Respondents were asked to indicate what types of diversity training were offered to employees. Thirty-eight respondents (100%) indicated that their diversity training included race/ethnicity issues and thirty-five (92.1%) indicated that their training included disability issues. Thirty-three respondents (86.8%) indicated their training includes gender discrimination. Twenty-five respondents (65.8%) indicated that their training includes sexual orientation. Only ten respondents (26.3%) indicated that their diversity training included gender identity or expression.

### Discussion

This section will discuss the results of the survey in comparison with the performance of corporate America outlined in the literature review. This section will look first at equal employment opportunities for GLBT employees, examine the benefits offered to GLBT employees, and conclude with a look at the openness of the department to provide support for GLBT employees.

In the HRC Corporate Equality Index, ninety-eight percent of employers provide protections based on the employee's sexual orientation. Of the fire department respondents, only fifty-one percent have the words "sexual orientation" in their non-discrimination or equal employment opportunity policy. This inclusion, basic in declaring support for all employees, is vital to insure that the fire service is not practicing

discrimination against a portion of its workforce. As Ronny Coleman noted, never allow people to be treated unfairly.

Also in the Corporate Equality Index, fifty-eight percent of employers included gender identity in their employment protections. Only eleven percent of the fire department respondents include “gender identity or expression” in their policies. As with sexual orientation, this inclusion criterion must be met by the fire service in order to provide equality for all employees. As noted by author John Becknell, GLBT employees want to be judged on their ability to perform the work. A clear corporate statement against discrimination based on sexual orientation and gender identity or expression puts all employees on notice that job performance will not be tainted by the moral biases of the evaluators. As with the illustration at the beginning of this paper, all cars (employees) should be treated equally by the manufacturer (employer).

Eighty-nine percent of the companies surveyed in the HRC’s Corporate Equality Index offer benefits to domestic partners. Of the fire department respondents, only twelve percent offer such benefits. Another respondent offers domestic partner benefits only in one or more labor agreements. This indicates that non-union GLBT employees have fewer benefits available to them than their unionized counterparts.

One issue that fire departments must address is how a “domestic partnership” will be declared. The burden of proof should be on the employee, but should not be tied to the patchwork of local ordinances covering domestic partner registration and state laws governing marriage and civil unions. Of the fire department respondents, eight percent either required no documentation or accepted a domestic partner affidavit. The affidavit is used in the corporate world since business locations often span cities and states, each

with their own view of GLBT relationships. As outlined by HRC, the affidavit asked the employee to declare that both partners are 18 years of age or over, unmarried, not related to each other, have an intimate, committed relationship of mutual caring of at least six months duration, live together, not currently have a different domestic partner or spouse, and agree to mutual fiscal and legal responsibility for each other. Employers have the opportunity to use this affidavit for both GLBT and heterosexual employees, thereby ensuring that equal benefits are truly available to all employees.

One element of equality must be addressed by each department choosing to offer domestic partner benefits is the lack of federal recognition of those relationships. The HRC noted that employers must withhold and report taxes on domestic partner benefits. Employees cannot use flexible spending accounts or cafeteria plans to pay their share of the costs as these funds are pre-tax dollars. None of the fire department respondents indicated that their departments “gross up” the GLBT wages to cover the unequal tax burden caused by the federal regulations. Thus, even though some departments may offer domestic partner benefits, they are created a larger tax burden for their GLBT employees who accept such benefits. In the illustration earlier, it is as if the nine chiefs were able to pay for their supplemental warranty from pre-tax earnings, while the tenth chief had to pay for coverage from after-tax earnings. Not only does the tenth chief have to pay more for their warranty, but they have to pay taxes on the cash they use as well.

Seventy-eight percent of the HRC Corporate Equality Index respondents provide comprehensive health benefits, including medical, dental, vision, dependent medical, and COBRA-like continuation coverage. Only nine fire department respondents indicated that their department provided these benefits, with eighty-nine percent providing medical

benefits for domestic partners, seventy-eight percent providing dental coverage, sixty-seven percent providing vision and dependent medical coverage, and only forty-four percent providing COBRA-like continuation coverage. As noted by the Employee Benefit Research Institute, the cost increase to provide such benefits to GLBT employees averaged 1.2 percent. These costs are lower than anticipated. As Kodak noted in their publication, it is important for the employer to create a workplace that values, respects, and provides equal and fair treatment to all employees.

Other benefits that may be offered by an employer are “low-cost” benefits with little cost to the employer. These include FMLA-like benefits, bereavement leave, supplemental life insurance, relocation/travel assistance, adoption assistance, survivor annuities for defined benefit plans, retiree healthcare benefits, employee discounts, and employee assistance programs that are available to domestic partners. Seventy-nine percent of the fire department respondents indicated that their employee assistance program is open to domestic partners. Fifty percent indicated that their department offers FMLA-like benefits and bereavement leave. The rest of the benefits were offered by less than half of the respondents. Badgett wrote that GLBT employees face the same work-family life concerns as married employees. Excluding the families of GLBT employees from such benefits as FMLA-like leave and bereavement leave places the employee in the position of choosing either the family or the employer in a time of crisis. Departments will find it difficult to retain qualified, productive employees faced with these circumstances.

Along with a lack of inclusion of gender identity in department employment policies is a lack of benefits provided for transgendered employees. As noted by the

HRC, most transgendered people are denied medical coverage regardless if their medical need is associated with gender transition. Only one fire department respondent indicated that they have written gender transition guidelines. More departments indicated that their insurance plans offered benefits for employees undergoing gender transition. These results may be skewed by a poorly worded survey question or a lack of familiarity with the insurance issues surrounding gender transition coverage.

In the fire department environment, as with the corporate environment, it may be difficult for GLBT employees to achieve recognition of their issues and foster an environment of inclusion. One tactic used in the corporate world to overcome this challenge is the use of a GLBT employee resource group or diversity council that includes GLBT issues. The HRC's Corporate Equality Index found that seventy-eight percent of those surveyed had one or the other. Of the fire department respondents, none had an employee affinity group, only seven respondents thought their department would allow the use of department resources to form such a group, and only two had a diversity council that included GLBT issues in its mission. While such a group may not be necessary in a department of a few members, its absence in a department of several hundred may indicate that GLBT employees are not comfortable enough in their work environment to make their concerns known. Author Linda Willing noted that when an employer willingly discriminates against a group of employees, they create a climate of fear. This fear is bred in the environment of discrimination that must be addressed by all employers, public and private.

Author John Becknell observed that GLBT employees are focused on being professional and fulfilling their responsibilities. Author Terese Floren charged that fire

service leaders should work to unlearn their prejudice against GLBT employees. These leaders should fight fear and discrimination in their workplace as it is counterproductive. Finally Ronny Coleman's observation that an irrational fear of a group based on a single characteristic is bigotry. Bigotry has no place in the fire service.

The background and significance section began with a story about purchasing cars. Equate the fire chiefs to employers and the cars to employees. A good employer will want all of their employees to have the same benefits and coverage. Employees saddled with preventable family concerns are not able to make the same contribution to the workplace. In that equation, the employer will lose.

#### Recommendations

This action research project resulted in a plan for the KCKFD to provide workplace equality for gay and lesbian employees. The plan, adapted from the HRC's Small Business Basics publication, is included in Appendix C. This plan, while elemental and achievable, will undergo significant debate before adoption. The Fire Chief will need to endorse the plan and present it to the UG administrative staff for consideration. The plan or elements of the plan must be endorsed by the administrative staff and sent to the UG governing body for consideration and action.

Adoption of the plan will initiate the process of implementation. Policies and procedures in the Human Resources guide must be revised to include GLBT employees. Benefit packages must be revised and renegotiated with insurance carriers. Memorandums of Understanding will need to incorporate the new policies and benefits as they are renegotiated. Finally, the administration must connect with the workforce,

providing education on the new policies and benefits and demonstrating the commitment to providing equality for GLBT employees.



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Appendix A

Equality in the Fire Department Questionnaire

Section 1—Equal Employment Opportunity

1. Does your department include the words “sexual orientation” in its primary non-discrimination or EEO policy?
  - a. Yes, we have this policy department-wide.
  - b. Yes, but only in one or more labor agreements.
  - c. No, we do not have this policy, but plan to enact in the next year.
  - d. No, we do not have this policy.
  - e. Do not know.
2. Does your department include the words “gender identity” or “gender identity or expression” in its primary non-discrimination or EEO policy?
  - a. Yes, we have this policy department-wide.
  - b. Yes, but only in one or more labor agreements.
  - c. No, we do not have this policy, but plan to enact in the next year.
  - d. No, we do not have this policy.
  - e. Do not know.

Section 2—Domestic Partner Identification

1. Does your department offer health insurance to your employees’ unmarried same-sex domestic partners?
  - a. Yes, we have this policy department-wide.
  - b. Yes, but only in one or more labor agreements.
  - c. No, we do not have this policy, but plan to enact in the next year.
  - d. No, we do not have this policy.
  - e. Do not know.
2. What documentation, if any, does your department accept for the purpose of providing benefits to an employee’s partner? Select all that apply.
  - a. We do not require documentation for the purposes of partner benefits.
  - b. We accept a domestic partner affidavit.
  - c. We accept a local or state domestic partner registration.
  - d. We accept a state-issued civil union or marriage certificate.
  - e. We accept a marriage certificate issued in another country.
  - f. Do not know/not applicable.
3. If partner benefits are offered, does your department “gross up” wages for employees who enroll for partner health benefits to cover the added tax burden from the imputed value of the benefit that appears as income for the employee?
  - a. Yes, we do.
  - b. No, we do not, but plan to in the next year.
  - c. No, we do not.
  - d. Do not know/not applicable.

### Section 3—Health Benefits

1. Does your department offer the following benefits to same-sex partners of employees? Select all that apply.
  - a. Medical/Health
  - b. Dental
  - c. Vision
  - d. Spouse/partner's dependent medical coverage.
  - e. COBRA/COBRA-like benefits continuation.

### Section 4—Other Benefits

1. Does your department offer these benefits to same-sex partners of employees? Select all that apply.
  - a. FMLA/FMLA-like benefits.
  - b. Bereavement leave.
  - c. Employer-provided supplemental life insurance for the spouse/partner.
  - d. Relocation/travel assistance.
  - e. Adoption assistance.
  - f. Qualified joint and survivor annuity for spouse/partner (for defined benefit plans).
  - g. Qualified pre-retirement survivor annuity for spouse/partner (for defined benefit plans).
  - h. Retiree health care benefits.
  - i. Employee discounts.
  - j. Employee assistance program.

### Section 5—Transgender Benefits and Guidelines

1. Does your department have written gender transition guidelines documenting supportive company policy on issues pertinent to a workplace gender transition?
  - a. Yes, we do.
  - b. No, we do not, but plan to in the next year.
  - c. No, we do not.
  - d. Do not know/not applicable.
2. Does at least one insurance plan offered by your department cover the following treatments? Select all that apply.
  - a. Counseling by a mental health professional (e.g. gender dysphoria diagnosis).
  - b. Pharmacy benefits (e.g. hormone therapy).
  - c. Medical visits (e.g. to monitor the effects of hormone therapy and associated lab procedures).
  - d. Medically necessary surgical procedures (e.g. hysterectomy as part of gender-reassignment).
  - e. Short-term leave for surgical procedures.

### Section 6—Diversity Management and Training

1. Does your department have an officially recognized department-wide GLBT employee affinity group?
  - a. Yes, we do.
  - b. No, we do not, but plan to in the next year.
  - c. No, we do not.
  - d. Do not know/not applicable.
2. If no to the question above, would your department allow GLBT employees to use its facilities, electronic and other resources to for a group if one expressed interest?
  - a. Yes, we do.
  - b. No, we do not, but plan to in the next year.
  - c. No, we do not.
  - d. Do not know/not applicable.
3. Does your department have a department-wide diversity council or working group with a mission that specifically includes GLBT diversity?
  - a. Yes, we do.
  - b. No, we do not, but plan to in the next year.
  - c. No, we do not.
  - d. Do not know/not applicable.

### Section 7—Diversity Awareness

1. If your department provides diversity awareness or employee training, which of the following topics are covered? Select all that apply.
  - a. Sexual orientation.
  - b. Gender identity or expression.
  - c. Disability.
  - d. Race/ethnicity.
  - e. Gender

### Section 8—Department Information

1. Department Name:
2. State where your department is located:
3. Number of Suppression/EMS personnel:

## Appendix B

## Equality in the Fire Department Questionnaire Results

## Section 1: Equal Employment Opportunity

1. Does your department include the words “sexual orientation” in its primary non-discrimination or EEO policy?

	Response Percent	Response Count
Yes, we have this policy department-wide.	50.9%	27
Yes, but only in one or more labor agreements.	1.9%	1
No, we do not have this policy, but plan to enact in the next year.	0.0%	0
No, we do not have this policy.	39.6%	21
Do not know.	7.5%	4
Answered Question:		53
Skipped Question:		0

2. Does your department include the words “gender identity” in its primary non-discrimination or EEO policy?

	Response Percent	Response Count
Yes, we have this policy department-wide.	11.3%	6
Yes, but only in one or more labor agreements.	0.0%	0
No, we do not have this policy, but plan to enact in the next year.	0.0%	0
No, we do not have this policy.	75.5%	40
Do not know.	13.2%	7
Answered Question:		53
Skipped Question:		0



## Section 2: Domestic Partner Identification

1. Does your department offer health insurance to your employee's unmarried same-sex domestic partners?

	Response Percent	Response Count
Yes, we have this policy department-wide.	12.5%	6
Yes, but only in one or more labor agreements.	2.1%	1
No, we do not have this policy, but plan to enact in the next year.	0.0%	0
No, we do not have this policy.	68.8%	33
Do not know.	16.7%	8
Answered Question:		48
Skipped Question:		5

2. What documentation, if any, does your department accept for the purposes of providing benefits to an employee's partner? Select all that apply.

	Response Percent	Response Count
We do not require documentation for the purpose of partner benefits.	4.2%	2
We accept a domestic partner affidavit.	4.2%	2
We accept a local or state domestic partner registration.	6.3%	3
We accept a state-issued civil union or marriage certificate.	14.6%	7
We accept a marriage certificate issued in another country.	4.2%	2
Do not know/not applicable	77.1%	37
Answered Question:		48
Skipped Question:		5

3. If partner benefits are offered, does your department "gross up" wages for employees who enroll for partner health benefits to cover the added tax burden from the imputed value of the benefit that appears as income for the employee?

	Response Percent	Response Count
Yes, we do.	0.0%	0
No, we do not, but plan to in the next year.	0.0%	0
No, we do not.	12.8%	6
Do not know/not applicable.	87.2%	41
Answered Question:		47
Skipped Question:		6

### Section 3: Health Benefits

1. Does your department offer the following benefits to same-sex partners of employees? Select all that apply.

	Response Percent	Response Count
Medical/Health	88.9%	8
Dental	77.8%	7
Vision	66.7%	6
Spouse/partner's dependent medical coverage	66.7%	6
COBRA/COBRA-like benefits continuation	44.4%	4
	Answered Question:	9
	Skipped Question:	44

## Section 4: Other Benefits

1. Does your department offer these benefits to same-sex partners of employees?

Select all that apply.

	Response Percent	Response Count
FMLA/FMLA-like benefits	50.0%	7
Bereavement leave	50.0%	7
Employer-provided supplemental life insurance for the spouse/partner.	28.6%	4
Relocation/travel assistance.	0.0%	0
Adoption assistance.	7.1%	1
Qualified joint and survivor annuity for spouse/partner (for defined benefit plans).	35.7%	5
Qualified pre-retirement survivor annuity for spouse/partner (for defined benefit plans).	42.9%	6
Retiree health care benefits.	21.4%	3
Employee discounts.	14.3%	2
Employee assistance program.	78.6%	11
	Answered Question:	14
	Skipped Question:	39

## Section 5: Transgender Benefits and Guidelines

1. Does your department have written gender transition guidelines documenting supportive company policy on issues pertinent to a workplace gender transition?

	Response Percent	Response Count
Yes, we do.	2.1%	1
No, we do not, but plan to in the next year.	0.0%	0
No, we do not.	76.6%	36
Do not know/not applicable.	21.3%	10
Answered Question:		47
Skipped Question:		6

2. Does at least one insurance plan offered by your department cover the following treatments? Select all that apply.

	Response Percent	Response Count
Counseling by a mental health professional (e.g. gender dysphoria diagnosis)	93.3%	14
Pharmacy benefits (e.g. hormone therapy)	40.0%	6
Medical visits (e.g. to monitor the effect of hormone therapy and associated lab procedures).	40.0%	6
Medically necessary surgical procedures (e.g. hysterectomy as part of gender-reassignment).	33.3%	
Short-term leave for surgical procedures.	66.7%	10
Answered Question:		15
Skipped Question:		38

## Section 6: Diversity Management and Training

1. Does your department have an officially recognized department-wide GLBT employee affinity group?

	Response Percent	Response Count
Yes, we do.	0.0%	0
No, we do not, but plan to in the next year.	0.0%	0
No, we do not.	87.2%	41
Do not know/not applicable.	12.8%	6
Answered Question:		47
Skipped Question:		6

2. If no to the question above, would your department allow GLBT employees to use its facilities, electronic and other resources to form a group if one expressed interest?

	Response Percent	Response Count
Yes, we do.	14.9%	7
No, we do not, but plan to in the next year.	0.0%	0
No, we do not.	14.9%	7
Do not know/not applicable.	70.2%	33
Answered Question:		47
Skipped Question:		6

3. Does your department have a department-wide diversity council or working group with a mission that specifically includes GLBT diversity?

	Response Percent	Response Count
Yes, we do.	4.3%	2
No, we do not, but plan to in the next year.	0.0%	0
No, we do not.	80.9%	38
Do not know/not applicable.	14.9%	7
Answered Question:		47
Skipped Question:		6

Section 7: Diversity Awareness

1. If your department provides diversity awareness or employee training, which of the following topics are covered? Select all that apply.

	Response Percent	Response Count
Sexual orientation	65.8%	25
Gender identity or expression	26.3%	10
Disability	92.1%	35
Race/ethnicity	100.0%	38
Gender	86.8%	33
Answered Question:		38
Skipped Question:		15

## Appendix C

### Plan for Providing Workplace Equality for Gay and Lesbian Employees

- I. Establish formal policies.
  - a. Modify the UG Equal Employment Opportunity policy to include marital status, sexual orientation, and gender identity or expression.
  - b. Modify the UG Harassment policy to clearly include sexual orientation and gender identity or expression.
  - c. Modify the UG Memorandums of Understanding with bargaining units to include marital status, sexual orientation, and gender identity or expression.
  - d. Place Gender Transition Guidelines in the UG Human Resources Guide.
    - i. Establish processes and responsibilities for management and staff.
    - ii. Provide training on transgender issues.
    - iii. Ensure employee privacy, including medical issues.
    - iv. Update personnel and administrative records to reflect the gender identity and name of the transitioning employee.
    - v. Permit the employee to use restrooms that correspond to their full-time gender presentation, regardless of their stage in the transition process.
    - vi. Ensure that the dress code avoids gender stereotypes and is enforced consistently.
    - vii. Treat the transitioning employee's spouse or partner the same as any other employee's spouse or partner.

- II. Establish an inclusive benefits package.
  - a. Define the process for declaring a domestic partnership, including developing a domestic partnership affidavit.
  - b. Construct these benefits to be inclusive of all employees.
    - i. Medical insurance.
    - ii. Dental insurance.
    - iii. Vision plan.
    - iv. Dependent medical coverage, including the partner's dependents.
    - v. FMLA benefits.
    - vi. COBRA benefits.
    - vii. Bereavement leave.
    - viii. Relocation/travel assistance for the spouse or partner.
    - ix. Adoption assistance.
    - x. Employee discounts.
    - xi. Inclusion of spouse or partner in department events.
  - c. Include adjustments in employee salaries to cover the increased tax burden associated with accepting benefits.
  - d. Ensure that health insurance provides coverage for transgendered employees and include transitions in the definition of "medically necessary" treatments that are covered. Types of treatment that should be covered include:
    - i. Counseling by mental health professionals.



- ii. Pharmacy benefits, e.g. covering hormone therapy.
- iii. Medical visits, e.g. to monitor the effects of hormone therapy and associated lab procedures.
- iv. Medically necessary surgical procedures.
- v. Short-term leave for surgical procedures.

III. Build an inclusive work environment.

- a. Review the Equal Employment Opportunity policy with all employees.  
Have the employees acknowledge in writing that they have reviewed the policy.
- b. Include GLBT issues in any diversity training.
- c. Ensure that any marketing, recruitment, or promotions are culturally sensitive to GLBT issues.
- d. Monitor the work environment for inclusion.
  - i. Incorporate open dialog sessions to allow management to demonstrate their commitment to inclusion.
  - ii. Maintain an open door policy and respect confidentiality.
  - iii. Monitor internal and external materials for inclusive phrases.
    - 1. Use “partner or significant other” rather than “spouse”.
    - 2. Use “sexual orientation” rather than “sexual preference”.
    - 3. Use the phrase “gay, lesbian, bisexual, and transgender” rather than “homosexual”.
- e. Ensure that complaints of discrimination and harassment are investigated and that disciplinary actions are uniform across the department.